

**Work Session Agenda
Staunton City Council
Caucus Room
September 13, 2018
6:45 p.m.**

Invocation/Moment of Silence—Mead

- | | | |
|------------------|-------------------|---|
| 6:45 p.m. | 1. | Consideration of Work Session and Regular Meeting Agendas |
| 6:50 p.m. | 2. & B | Discussion of Application to the Virginia Department of Housing and Community Development (DHCD) for a Community Development Block Grant (CDBG) to Fund Virginia Individual Development Account (VIDA) Program |
| 7:00 p.m. | 3. | Closed Meeting for Consultation with Legal Counsel for Necessary Legal-Related Advice and Discussion Pertaining to Specific Land Use and Zoning Matters |
| 7:15 p.m. | | Break |

REVISED

Regular Meeting Agenda Staunton City Council Council Chambers September 13, 2018 7:30 p.m.

Call to Order

Pledge of Allegiance

Mayor's Report

Proclamation—Constitution Week

Additional Items by Members of Council

Approval of Minutes

Work Session and Regular Meeting of August 23, 2018

REGULAR MEETING

- A. Consideration of Final Plat of Red Oaks, Section Five**
- B. Consideration of Application to the Virginia Department of Housing and Community Development (DHCD) for a Community Development Block Grant (CDBG) to Fund Virginia Individual Development Account (VIDA) Program**
- C. Consideration of Resolution Consenting to and Confirming Declaration of Local Emergency**

Matters from the City Manager

Matters from the Public

Adjournment

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	September 13, 2018	City Council
Item #	1	
Ordinance #		
Department:	City Council	
Council Vision:	Responsive, Efficient Government	
Subject:	Work Session and Regular Meeting Agendas	

Background: Consistent with Procedural Memorandum No. 3, attached are draft meeting agendas for City Council's consideration and for approval as Council prefers.

Suggested Motion: I move to approve the Work Session agenda and the Regular Meeting agenda [as presented] [with the following changes: as to the Work Session, the addition/deletion of _____; as to the Regular Session, the addition/deletion of _____].

City Manager: Stephen F. Owen

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Matters from the City Manager

Matters from the Public

Adjournment

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	September 13, 2018	Staff Member: Billy Vaughn
Item #	2 & B	
Ordinance #		
Department:	Economic Development	
Council Vision:	Economic Development	
Subject:	Application to the Virginia Department of Housing and Community Development (DHCD) for a Community Development Block Grant (CDBG) to Fund Virginia Individual Development Account (VIDA) Program	

Background: The VIDA program is a financial education and matched savings program administered by DHCD to assist low-income families in obtaining homes, business equipment and inventory. Participants receive financial management training while saving towards their goal; every dollar saved is matched by \$8, up to \$4,000.

DHCD is the administrator of the VIDA program and is contracting with the Staunton Creative Community Fund (SCCF), as an intermediary through the City of Staunton, to recruit and work directly with program participants. DHCD has an agreement with Virginia Community Capital (VCC) bank for the establishment and management of one program account (match funds) and multiple individual savers' accounts.

SCCF is requesting that the City apply to DHCD for a 2019 Community Development Block Grant (CDBG) in the amount of \$200,000. The funds will be used by SCCF to serve as an intermediary for DHCD's VIDA program. The goal of the program is to provide financial education combined with asset building for participants. The program objective is to educate participants and to help them regularly save money that will be matched 8:1 with funds from the CDBG grant, in turn leading to homeownership or the purchase of business development assets.

The program will offer participants financial management training, emergency cash development, matched savings opportunities, and asset accumulation opportunities. The financial management training will include topics on budgeting, credit repair, tax strategy, homeownership and business development.

Participants will work with financial, housing and business counselors through SCCF to develop an emergency cash fund prior to opening a VIDA account.

Once the participants complete training, establish an emergency cash fund, and are eligible to participate in the program, they will open a matched savings account through VCC. Their savings, along with the match funds, can then be used to purchase a home (with VIDA funds being used for the down payment or to defray closing costs) or to purchase business assets.

At the completion of the program, participants will have completed 14 hours of financial education training, established an emergency savings fund, enrolled in the VIDA program and purchased a home or business asset with their savings and VIDA match dollars.

SCCF served as an intermediary for this program from 2012 through 2017. During that period, there were 27 savers who graduated from the program, with program boasting a 78% graduation rate. Of the 27 graduated savers, nine were from Staunton. Out of the graduates, 86% were business savers who started businesses in lawn care, food service, publishing and carpentry renovations. SCCF's VIDA program graduates received \$77,374 in matching funds.

There is no match of grant funds requested. Therefore, a funding commitment from the City is neither required nor requested for the grant application or the program.

A budget outline follows:

Funding Sources	Amount	Comment
Community Development Block Grant	\$170,000	VIDA savings dollars set aside as match dollars for program participants
	\$30,000	Administrative costs for SCCF to provide intermediary services to program participants and to complete required program reporting
TOTAL	\$200,000	

The VIDA grant program guidelines require that the local governing body adopt a resolution, approving the grant application. A proposed resolution is attached.

At Council's work session on September 13, Kathy Deacon, SCCF's Executive Director, will provide a brief overview of the program and the grant application. A proposed resolution is attached for Council's consideration.

City Manager's Recommendation: Recommend the resolution be adopted as presented.

Suggested Motion: I move to adopt the resolution approving an application by the City of Staunton, Virginia to the Virginia Department of Housing and Community Development, for a grant under the department's Community Development Block Grant program to fund the Virginia Individual Development Account program with SCCF serving as the intermediary, as presented,

and to authorize the City Manager or his designee to complete any actions necessary in connection with such grant.

City Manager: Stephen F. Owen

**RESOLUTION APPROVING AN APPLICATION BY THE CITY OF STAUNTON TO
THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
FOR A COMMUNITY DEVELOPMENT BLOCK GRANT TO FUND
A VIRGINIA INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM
ON BEHALF OF THE STAUNTON CREATIVE COMMUNITY FUND**

WHEREAS, the Virginia Department of Housing and Community Development (DHCD) has implemented the Virginia Individual Development Account (VIDA) program, which is funded through its Community Development Block Grant (CDBG) program, to provide financial education and matched savings program to assist low-income families in obtaining homes, business equipment and inventory; and

WHEREAS, Staunton Creative Community Fund (SCCF) is requesting the City of Staunton to apply for a 2019 DHCD CDBG in the amount of \$200,000; and

WHEREAS, the funds will be used by SCCF to serve as an intermediary for DHCD's VIDA program; and

WHEREAS, the goal of the VIDA program is to provide financial education combined with asset building for participants, with the objective to educate participants and to help them regularly save money that will be matched 8:1 with funds from the CDBG grant, in turn leading to homeownership or the purchase of business development assets; and

WHEREAS, City Council, as outlined in its Vision for 2025, has as a desire and priority to encourage small business development and to afford all citizens the opportunity to reach their highest potential through education and career training;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA THAT:

1. The submittal of an application to DHCD for a CDBG grant, in the amount of \$200,000, to be used by SCCF to serve as an intermediary for DHCD's VIDA program, is hereby endorsed and authorized.
2. The City understands that a funding commitment from the City is neither required nor requested for the grant application or the VIDA program, and Council's endorsement and authorization of submittal of an application to DHCD is conditioned upon the same.
3. The City Manager or his designee is hereby authorized to sign and submit appropriate documents for the submittal of this VIDA program proposal.

Adopted this 13th day of September, 2018.

Carolyn W. Dull, Mayor

ATTEST: _____
Suzanne F. Simmons
Clerk of Council

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	September 13, 2018	Doug Guynn City Attorney
Item #	3	
Ordinance #		
Department:	City Attorney	
Subject:	Closed Meeting for Consultation with Legal Counsel for Necessary Legal-Related Advice and Discussion Pertaining to Specific Land Use and Zoning Matters	

Suggested Motion:

Before the closed meeting: I move to enter a closed meeting for consultation with legal counsel for necessary legal-related advice and discussion pertaining to specific land use and zoning matters, pursuant to Virginia Code § 2.2-3711(A)(8).

Second. Discussion. Vote – Clerk of Council to poll members of Council.

After the closed meeting: I move that Council reconvene in an open meeting and certify to the best of each member's knowledge that only lawfully exempted public business matters were discussed and that only public business matters as identified in the closed meeting motion were heard, discussed or considered in the meeting.

Second. Discussion. Vote –Clerk of Council to poll members of Council.



CITY OF STAUNTON, VIRGINIA

Proclamation

Constitution Week September 17-23, 2018

- WHEREAS,** September 17, 2018 marks the two hundred and thirty-first anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and
- WHEREAS,** it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and
- WHEREAS,** Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, BE IT PROCLAIMED, by Staunton City Council that September 17-23, 2018, is hereby designated as

Constitution Week

in the City of Staunton and all the City's citizens are asked to reaffirm the ideals established by the Framers of the Constitution in 1787.

Adopted this 13th day of September, 2018.

CAROLYN W. DULL, MAYOR

ATTEST: _____
CLERK OF COUNCIL

City Council
WORK SESSION
August 23, 2018
6:15 p.m.

Council Members Present: Mayor Dull, Vice Mayor Kier, Council Members Curren, Harrington, Holmes, and Mead.

Council Member Absent: Council Member Oakes.

The Mayor called the meeting to order at 6:15 p.m. and the invocation/moment of silence was given by Mr. Holmes.

1. Consideration of Work Session and Regular Meeting Agendas

Consistent with Procedural Memorandum No. 3, the agendas were presented for Council consideration.

Dr. Harrington moved to approve the Work Session agenda and the Regular Meeting agenda as presented with the possible addition of Item F at the end of the Work Session agenda if there's time and in a reconvened Work Session after the Regular Meeting if there's not time.

The motion was seconded by Dr. Curren and carried unanimously as follows:

Dr. Harrington	aye	Dr. Curren	aye
Vice Mayor Kier	aye	Mayor Dull	aye
Ms. Mead	aye	Mr. Holmes	aye

2. Discussion of Valley Community Services Board FY2019/2020 Performance Contract

Dave Deering, Executive Director of Valley Community Services Board (VCSB) gave a presentation to City Council, along with Board members Phil Floyd and John Hartless, concerning VCSB's performance contract with the Virginia Department of Behavioral Health & Developmental Services (DBHDS).

Mr. Deering provided a review of the behavioral health services (mental health, developmental disabilities, and substance abuse disorder services) provided by VCSB for the City of Staunton, as well as Augusta County, Highland County, and the City of Waynesboro. Mr. Deering then reviewed details of the performance contract. He noted the state makes up 90% with local matching funds making up 10%, which is a mandated fund.

Dr. Harrington asked for clarification in the difference of funds being allocated. Mr. Deering explained Highland County funded their entire allocation and Staunton's share would be approximately \$65,000.

Mayor Dull noted many of the services provided are not reimbursed by commercial health insurance carriers. Mr. Deering noted 60% of their revenue comes from Medicaid.

Dr. Harrington questioned how homeless individuals are able to access VCSB's services. Mr. Deering and Mr. Floyd explained how their clinicians provided help and services to those individuals.

Mayor Dull thanked VCSB for all of their hard work.

This will be Item B on the Regular meeting agenda.

3. Discussion of Amendments to Personnel Policy Manual

Jonathan Venn, Director of Human Resources, stated in March, he had requested personnel policy manual revisions, noting the need for occasional, further revisions for Council's consideration, no more frequently than on a quarterly basis.

Mr. Venn shared the following proposed updates to policies:

- Policy 2.18, Travel, Reimbursement and Use of City Credit Cards: adds to the policy a requirement that employees price and consider travel originating from Shenandoah Valley Regional Airport, when travel is to be by air.
- Policy 5.2, Leave: adds language to the policy requiring exempt employees with 45 or more days of accumulated general leave to receive compensation for such leave upon termination or retirement as a pre-tax deferred payment into a 401(a) account.

Ms. Mead questioned if this is consistent with a state policy. Mr. Venn noted it is consistent with the school's system policy.

- Policy 5.13, Death-in-Family Leave: expands the definition of "immediate family" for purposes of the policy to include sister-in-law, brother-in-law, daughter-in-law, son-in-law, step-mother, step-father and step-child.
- Policy 5.14, Volunteer Time: clarifies that such leave must be taken in one-hour increments.
- Policy 9.1, Grievance Procedure: updates the list of officers and employees excluded from the grievance procedure.

This will be Item C on the Regular meeting agenda.

4. Discussion of Transaction with Raela I, LLC/Property Located at 120 South Augusta Street (PID 100621)

Steve Owen, City Manager, stated at a previous meeting it was Council's consensus to bring this item back and have a resolution which details the reverter clause that was in a contract with Raela I, LLC, which involved the transfer of 152 square feet of land on the north side of 120 South Augusta Street and 772 square feet on the west side. Mr. Owen noted, at one point, City Council anticipated and expected to sell those parcels. He noted that project is no longer proceeding, and the proposed resolution states the transaction is null and void and would be reversed.

This will be Item D on the Regular meeting agenda.

5. **Discussion of Resolution Establishing the Percentage of Relief at 39% for Purposes of the Personal Property Tax Relief Act (PPTRA)**

Maggie Ragon, Commissioner of Revenue, stated she was asking Council to establish the percentage of relief for purposes of the Personal Property Tax Relief Act (PPTRA). She noted the General Assembly froze the amount of PPTRA in 2004, and there is a specific dollar amount of \$1.652 million which the City spreads among all vehicle owners in the City. Ms. Ragon explained once she completes the tax book, she then determines what percentage of relief will be applied to each person's bill. Ms. Ragon is recommending the rate of 39 percent for calendar year 2018. She noted last year the rate was 40 percent. The decrease in the percentage of relief is basically due to the increase in value of the fleet of owned vehicles in the City and is consistent with surrounding neighbor localities.

Ms. Ragon then presented several interesting facts regarding taxable vehicles in the City, including the most expensive vehicle and the most popular car, truck and motorcycle. The oldest taxable vehicle is still a 1923 Ford Model T.

This will be Item E on the Regular meeting agenda.

6. **Discussion of Franchise Ordinance for Fiber Optic Telecommunications Equipment in the City**

Tom Sliwoski, Director of Public Works, stated Shentel Communications, LLC is requesting it be allowed to use the dedicated public rights-of-way within the corporate limits to install fiber optic telecommunication fiber lines and equipment. He noted the City would need to issue a franchise agreement and a franchise ordinance. Mr. Sliwoski noted the City has issued an invitation to bid for a 25-year non-exclusive franchise agreement for telecommunication services in the city.

Mr. Sliwoski stated at the regular meeting, the Mayor will open all bids, if any other than one from Shentel Communications, Inc., read the bids aloud in accordance with applicable provisions of the state code, declare the bidding closed, and then call for a public hearing which had been properly noticed in *The News Leader*. He noted after the public hearing is closed, over the next several weeks staff will review the bids received. Mr. Sliwoski stated at Council's next regularly scheduled meeting, Council could adopt an ordinance, authorizing a franchise to the successful bidder.

Mr. Sliwoski then introduced Chris Kyle, a Shentel representative. Mr. Kyle gave a presentation to Council stating this would be an economic development boost and will bring faster internet speeds for city businesses. He noted Shentel acquired Ntelos wireless in 2016, as well as Sprint.

Ms. Mead asked if it is Shentel's goal ultimately to have all fiber optic in conduit as opposed to having part of it in aerial. Mr. Kyle stated Shentel will use an underground conduit when at all possible.

Mr. Kyle replied to an inquiry made by Mr. Holmes that Shentel would install its lines in the City's conduit in the downtown area. Discussion ensued on what areas Shentel would be covering in the future.

This will be Item A on the Regular meeting agenda.

Mayor Dull stated time was available to hear Item F being added to the agenda.

F. Closed Meeting for Discussion or Consideration of the Possible Acquisition of Real Property(ies) or Interests in Real Property(ies) for Public Purposes, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy

Ms. Mead moved to enter a closed meeting for discussion or consideration of the possible acquisition of real property(ies) or interests in real property(ies) for public purposes, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy pursuant to Virginia Code § 2.2-3711(A)(3)

Seconded by Dr. Harrington, the motion carried as follows:

Vice Mayor Kier	aye	Mr. Holmes	aye
Mayor Dull	aye	Dr. Harrington	aye
Ms. Mead	aye	Dr. Curren	aye

Ms. Mead moved that Council reconvene in an open meeting and certify to the best of each member's knowledge that only lawfully exempted public business matters were discussed and that only public business matters as identified in the closed meeting motion were heard, discussed or considered in the meeting.

Seconded by Dr. Harrington, the motion carried as follows:

Mayor Dull	aye	Dr. Harrington	aye
Ms. Mead	aye	Dr. Curren	aye
Mr. Holmes	aye	Vice Mayor Kier	aye

The work session adjourned at 7:18 p.m.

Suzanne F. Simmons
Clerk of Council

REGULAR MEETING OF STAUNTON CITY COUNCIL
Thursday, August 23, 2018
7:30 p.m.
Council Chambers

PRESENT: Carolyn W. Dull, Mayor
Ophie A. Kier, Vice Mayor
James L. Harrington
R. Terry Holmes
Erik D. Curren
Brenda O. Mead

ABSENT: Andrea Oakes

ALSO PRESENT: Stephen F. Owen, City Manager
Douglas L. Guynn, City Attorney
Suzanne F. Simmons, Clerk of Council

Mayor Dull called the meeting to order. The Pledge of Allegiance was recited in unison.

MAYOR'S REPORT

Mayor Dull stated the City managed to get all of the way through the Heifetz Festival and the Staunton Music Festival. She noted several Council members attended the Valley Business Summit on August 13, 2018. Mayor Dull stated there was a governance meeting on August 15, where the City Manager and Mayor from Staunton and Waynesboro, as well as the Chair of the Board of Supervisors and County Administrator from Augusta County met to go over regional programs and ways to work together. She also had the honor of welcoming the Virginia Municipal League Executive Committee to the Stonewall Jackson Hotel this past weekend. Vice Mayor Kier is Staunton's representative on the committee. Mayor Dull noted the Central Shenandoah Planning District Commission annual meeting was held on August 20, with Staunton's turn to host the meeting. She also attended the Augusta County Regional Chamber of Commerce's Pig Pickin' and Politickin' on August 21.

ADDITIONAL ITEMS BY MEMBERS OF COUNCIL

Vice Mayor Kier noted that every two years Council is appointed to various boards and commissions and moved that the following appointments be made, consistent with the recommendations of the Nominations Committee:

Erik Curren	Ag-Forestal Advisory Committee
	Tourism Advisory Board
	VML – Environmental Committee
Carolyn Dull	Nominations Committee
	CSPDC
Jim Harrington	Nominations Committee
	SAW MPO – Policy Board
	School Board
	VML – General Laws Committee
Terry Holmes	Redevelopment & Housing Authority
	Historic Preservation Commission
	VML – Transportation Committee
Ophie Kier	Economic Development Authority
	Nominations Committee
	VML – Economic Dev. Committee
Andrea Oakes	CAPSAW
	Valley Program for Aging Services
	Cable TV Commission
	SDDA
	VML – Human Services Committee
Brenda Mead	Youth Commission
	VML – Finance Committee
	Lewis Creek Advisory Committee
	Virginia First Cities
	Planning Commission

Seconded by Dr. Harrington, the motion carried as follows:

Mayor Dull	aye	Mr. Holmes	aye
Vice Mayor Kier	aye	Ms. Mead	aye
Dr. Curren	aye	Dr. Harrington	aye

Vice Mayor Kier stated the VML Executive Board meeting was held this past weekend at the Stonewall Jackson Hotel. He noted board members complimented the hotel for accommodating everyone's needs and doing a perfect job.

Dr. Curren stated he'd spoken to members as well from the VML in Richmond this past week who also offered high praise for the City of Staunton. He noted staff involved with the Historic

Preservation Commission, Economic Development, and all of the downtown businesses, and citizens have a lot to be proud of.

APPROVAL OF MINUTES

Mr. Holmes moved to approve the work session and regular meeting minutes of August 9, 2018.

The motion was seconded by Dr. Harrington and carried as follows:

Vice Mayor Kier	aye	Mr. Holmes	aye
Dr. Harrington	aye	Dr. Curren	aye
Ms. Mead	aye	Mayor Dull	aye

REGULAR MEETING

A. Public Hearing and Consideration of Franchise Ordinance for Fiber Optic Telecommunications Equipment in the City

Tom Sliwoski, Director of Public Works, stated Shentel Communications, LLC has requested the use of public rights-of-way to install fiber optic telecommunication lines within the City. In order to do so, the City will need to adopt a franchise ordinance and franchise agreement. The City has issued an invitation to bid for a 25-year non-exclusive telecommunications franchise.

Mr. Sliwoski noted the Mayor would open bids that have been received and read them. The bidding is then closed and a public hearing is conducted. At the conclusion of the public hearing, City Council may adopt the ordinance and award the franchise this evening if they so desire. If not, this item will be reviewed by staff and concluded at Council's next meeting.

Mayor Dull stated only one bid had been received, which was from Shentel Communications, LLC. She read the company's proposed bid, which also included Shentel's check in the amount of \$100 as its bid amount. It was noted that Shentel agreed to reimburse the City for its costs in connection with the required public notice.

Mr. Guynn, City Attorney, asked to examine the documents. Mayor Dull asked if there was anyone in the audience who wished to submit a bid. Mr. Guynn stated the bid refers to the draft dated August 13, 2018 of the franchise agreement and noted the agenda materials may refer to a date of August 14, 2018. He affirmed that it was the same document and found the bid to be in an acceptable form. The bid documents were then presented to the Clerk of Council.

The Public Hearing was opened.

Baldwin Jennings, 332 Sharon Lane, stated this definitely sounded like progress to him, and he supported the proposed bid.

There being no one else wishing to speak, the Public Hearing was closed.

Dr. Harrington moved that Council adopt an ordinance to grant the franchise to Shentel Communications, LLC under the conditions reflected in a finalized form of a franchise agreement.

The motion was seconded by Mr. Holmes and carried unanimously as follows:

Dr. Harrington	aye	Dr. Curren	aye
Ms. Mead	aye	Vice Mayor Kier	aye
Mr. Holmes	aye	Mayor Dull	aye

AN ORDINANCE

Ordinance No. 2018-13

To grant to Shentel Communications, LLC, a telecommunications company doing business in the Commonwealth of Virginia, its successors and assigns, under the Code of Virginia and the Telecommunications Act, the right, for the term and upon the conditions stated in this ordinance and incorporated agreement, a non-exclusive Franchise authorizing the Franchisee to place and maintain its Telecommunications Facilities in the Public Ways within the Franchise Area, and for that purpose to use, erect, install, construct, repair, alter, add to, inspect, replace, reconstruct, maintain, or retain in any Public Way such poles, wires, cables, conductors, ducts, underground conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and, including but not limited to, above ground enclosures, markers, and concrete pads, or other related property, equipment, or fixtures as may be necessary, useful, or appurtenant to the Telecommunications Facilities, and to provide such services over the Telecommunications Facilities as may be lawfully allowed.

WHEREAS, Shentel Communications, LLC has asked that it be granted a franchise to place its fiber optic telecommunications equipment and facilities within the Public Way, as defined in a form of franchise agreement as drafted and annexed and incorporated into this ordinance;

WHEREAS, consistent with Chapter II, Section 11, of the City Charter and the provisions of Virginia Code Sections §§ 15.2-2100, 15.2-2101, and 56-462, the City may grant a telecommunications franchise;

WHEREAS, pursuant to § 15.2-2101(A) of the Code of Virginia, before granting any franchise, privilege, lease or right of any kind to use any public property described in § 15.2-2100 or easement of any description, for a term in excess of five years, except in the case of and for a trunk railway, the city or town proposing to make the grant shall advertise a descriptive notice of the ordinance proposing to make the grant once a week for two successive weeks in a newspaper having general circulation in the city or town;

WHEREAS, this matter was properly advertised once a week for two successive weeks in the *Staunton News Leader* on August 15, 2018 and August 22, 2018;

WHEREAS, Staunton City Council was briefed by staff on the franchise agreement at Council's August 23, 2018 work session;

WHEREAS, the Staunton City Council, at its August 23, 2018 meeting, conducted an opening of any bid(s);

Mr. Owen stated staff had reviewed the document, and it covers the services offered by Valley Community Services Board.

Ms. Mead moved to approve the annual performance contract as submitted by Valley Community Services Board.

The motion was seconded by Dr. Curren and carried unanimously as follows:

Ms. Mead	aye	Vice Mayor Kier	aye
Mr. Holmes	aye	Mayor Dull	aye
Dr. Curren	aye	Dr. Harrington	aye

C. Consideration of Amendments to Personnel Policy Manual

Mr. Owen stated a presentation was heard during the work session from Jonathan Venn, Director of Human Resources. He noted in August 2017, City Council adopted a new personnel manual, but management anticipates the need to occasionally propose further revisions for Council's consideration.

Presently, the following updates to policies are proposed:

- Policy 2.18, Travel, Reimbursement and Use of City Credit Cards: adds to the policy a requirement that employees price and consider travel originating from Shenandoah Valley Regional Airport, when travel is to be by air.
- Policy 5.2, Leave: adds language to the policy requiring exempt employees with 45 or more days of accumulated general leave to receive compensation for such leave upon termination or retirement as a pre-tax deferred payment into a 401(a) account.
- Policy 5.13, Death-in-Family Leave: expands the definition of "immediate family" for purposes of the policy to include sister-in-law, brother-in-law, daughter-in-law, son-in-law, step-mother, step-father and step-child.
- Policy 5.14, Volunteer Time: clarifies that such leave must be taken in one-hour increments.
- Policy 9.1, Grievance Procedure: updates the list of officers and employees excluded from the grievance procedure.

Dr. Curren moved that City Council approve the proposed revisions to the City of Staunton Personnel Policy manual and adopt the revised manual, in its entirety, as presented.

The motion was seconded by Mr. Holmes and carried unanimously as follows:

Mr. Holmes	aye	Mayor Dull	aye
Dr. Curren	aye	Dr. Harrington	aye
Vice Mayor Kier	aye	Ms. Mead	aye

D. Consideration of Transaction with Raelsa I, LLC / Property Located at 120 South Augusta Street (PID 100621)

Mr. Owen stated, in 2014, Raelsa I, LLC acquired a historic property located at 120 South Augusta Street and since then the owner has worked on a plan with the City to acquire 152 square feet of land along the north side of the property as well as 772 square feet of land over the creek on Byers Street. He noted the project is currently no longer going forward. In previous documents which have been recorded at the courthouse, there was always a reverter clause that provides that should the project not go forward, the property would revert back to the City. Mr. Owen further noted that, in order to effect the reverter, a resolution is presented to Council for approval.

Dr. Harrington moved that Council adopt a resolution exercising all of its rights under the deed's reverter provision, pursuant to the terms and conditions of that certain Deed of Quitclaim, Boundary Line Adjustment, Reservation of Easements, Licenses and Reverter made as of August 19, 2016, by and between the City of Staunton, Virginia and Raelsa I, LLC and as further detailed in the proposed resolution.

The motion was seconded by Ms. Mead and carried unanimously as follows:

Mr. Holmes	aye	Dr. Harrington	aye
Dr. Curren	aye	Ms. Mead	aye
Vice Mayor Kier	aye	Mayor Dull	aye

**RESOLUTION
OF THE COUNCIL OF THE CITY OF STAUNTON, VIRGINIA
TO EXERCISE ITS RIGHTS UNDER THE REVERTER PROVISION OF THE
AUGUST 19, 2016 DEED OF QUITCLAIM, BOUNDARY LINE ADJUSTMENT,
RESERVATION OF EASEMENTS, LICENSES, AND REVERTER
BETWEEN THE CITY OF STAUNTON AND RAELSA I, LLC**

WHEREAS, Raelsa I, LLC is the owner of the real property located at 120 South Augusta Street, in the City of Staunton, Virginia (PID 100621);

WHEREAS, the City of Staunton, a municipal corporation ("City"), is the owner of the real property located at 2 West Johnson Street, in the City of Staunton, Virginia (PID 9110) and 116 South Augusta Street in the City of Staunton, Virginia (PID 9109), which adjoin Raelsa I, LLC's property (PID 100621);

WHEREAS, by Ordinance No. 2016-19, adopted July 28, 2016, a copy of which is annexed and incorporated as Exhibit 1, the Staunton City Council authorized the disposition by transfer of title to Raelsa I, LLC, of two portions of City property: 152 square feet of land of PID 9109, situate just north of the existing boundary line between them; and 772 square feet of land of PID 9110, situate just west of the existing boundary between them, as shown on the plat by EGS & Associates, entitled "City of Staunton Properties and the Raelsa I, LLC Property," dated February 17, 2016, a copy of which is annexed and incorporated as Exhibit 2, and being portions of the same property acquired by the City by deed dated December 1, 1971 and recorded in Deed Book 183, Page 499, in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia;

WHEREAS, Raelsa I, LLC and the City entered into a "Deed of Quitclaim, Boundary Line Adjustment, Reservation of Easements, Licenses, and Reverter" instrument dated August 19, 2016 and recorded as instrument number 160001962 in the Clerk's Office of the Circuit Court for the City of Staunton, Virginia, a copy of which is annexed and incorporated as Exhibit 3 ("Deed");

WHEREAS, the Deed contains a reverter provision in section 7 specifying that "if Raelsa I fails to complete the construction and the renovations to its property by August 1, 2018, WITH TIME BEING OF THE ESSENCE, upon written notice transmitted by the City of Staunton, Virginia to Raelsa I and recorded in the Clerk's Office of the Circuit Court of the City of Staunton, Virginia, title in and to all property interests of any kind granted and conveyed herein, including the granted licenses, SHALL AUTOMATICALLY REVERT to the City of Staunton, Virginia; except, however, Raelsa I shall have one extension for an additional six months upon giving of written notice and submission of corroborating detail that the delay is solely due to needed further structural repairs, as certified by a currently licensed Virginia professional engineer[;]"

WHEREAS, on May 1, 2018, Raelsa I, LLC requested a one-year extension of the period of construction and renovations attributed to structural repairs needing to be made, for the purposes of section 7 of the Deed;

WHEREAS, pursuant to the terms of section 7 of the Deed, by letter dated May 9, 2018, Steve Rosenberg, Deputy City Manager, communicated to Laurie Berman, managing member of Raelsa I, LLC, the City's offer to the company of a six-month extension to February 1, 2019 to complete the construction and renovations, but such offer was not accepted by Raelsa I, LLC;

WHEREAS, at the Staunton City Council's May 24, 2018 meeting, Laurie Berman, presented to Council a request for an 18-month extension to complete the construction and renovations of the property located at 120 South Augusta Street;

WHEREAS, Staunton City Council entered into a closed session at its May 24, 2018 meeting to discuss Raelsa I, LLC's request for an extension;

WHEREAS, at Staunton City Council's June 14, 2018 meeting, by its vote Council adopted a motion, as reflected in Council's meeting minutes, (ii) approving an 18-month extension, to and including February 1, 2020, of the deadline for construction and renovations of the property located at 120 South Augusta Street, as set forth in section 7 of the recorded deed, provided Raelsa I, LLC applies for and obtains from the City all required building permits on or before July 26, 2018, and (ii) upon satisfaction of such condition, authorizing the City Attorney to prepare, and the City Manager to execute, an instrument suitable for recordation evidencing the extension;

WHEREAS, under the conditions of the 18-month extension granted by Council on June 14, 2018, Raelsa I, LLC has neither applied for nor obtained the required building permits by the specified date of July 26, 2018;

WHEREAS, Raelsa I, LLC has made no structural renovations or additions to the improvements on the Raelsa I Property (as such term is defined in the Deed) located in or on the land area subject to the reverter provision of the Deed;

WHEREAS, under the reverter provision of the Deed, Raelsa I, LLC has not completed development of its property by the specified date of August 1, 2018;

WHEREAS, by emails dated June 27, 2018 to Steve Rosenberg, Deputy City Manager, and July 12, 2018, to Steve Owen, City Manager, Laurie Berman advised in writing that the project was “no longer viable economically” and as such, the project was being abandoned, and subsequently requested that “Council completely remove and eliminate the reverter from the [D]eed[;]”

WHEREAS, by letter dated August 7, 2018 to Carolyn Dull, Mayor, Laurie Berman made the same request directly of Staunton City Council;

WHEREAS, at its August 9, 2018 meeting, Council discussed in closed session Raelsa I, LLC’s request to remove and eliminate the reverter provision from the Deed;

WHEREAS, by email dated August 13, 2018, the City Manager advised Raelsa I, LLC in writing of Council’s informal sense that it did not intend to take action on Raelsa I, LLC’s request to remove the reverter provision and instead intended to exercise and implement its rights under the reverter provision of the Deed and instructed staff to prepare a resolution authorizing Council to invoke and exercise its rights under section 7 of the Deed and deliver written notice to Raelsa I, LLC of exercise of such rights under the Deed’s reverter provision;

WHEREAS, Staunton City Council wishes to exercise all of its rights under the Deed’s reverter provision, pursuant to the terms and conditions of the Deed; and

WHEREAS, these recitals are deemed an integral part of this resolution.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Staunton, Virginia hereby invokes and exercises all of its rights under the reverter provision of the Deed and hereby gives notice and directs the City Manager or designee to deliver a copy of this Resolution and written notice to Raelsa I, LLC of the reversion of the property interests, including without limitation, the granted licenses to the City of Staunton, as contemplated by the reverter provision of the Deed and to take other such action as is necessary, including but not limited to, the recordation of this Resolution in the land records in the Clerk’s Office of the Circuit Court of the City of Staunton, Virginia, to exercise fully all of its reversion rights consistent with the agreement reflected in the Deed; and further directs the City Manager or designee to cause the refund by the City to Raelsa I, LLC of the three thousand seven hundred dollar (\$3,700.00) purchase price paid by Raelsa I, LLC to the City by Raelsa I, LLC’s check number 0838, dated August 17, 2016.

ADOPTED this 23rd day of August, 2018.

/s/ Carolyn W. Dull
Carolyn W. Dull, Mayor

ATTEST: /s/ Suzanne F. Simmons
Suzanne F. Simmons
Clerk of Council

E. Consideration of Resolution Establishing the Percentage of Relief at 39% for Purposes of the Personal Property Tax Relief Act (PPTRA)

Mr. Owen stated the Personal Property Tax Relief Act of 1998 (PPTRA) was passed by the Virginia General Assembly and has never actually been fully funded. He noted, in 2004, the state froze the amount which was promised to the citizens. As personal property values have increased and the fleet of personal vehicles has increased in the city, this means the percentage of tax relief available per citizen has decreased. Mr. Owen noted the percentage has decreased every year for which the Commissioner of Revenue has calculated the rate.

Mr. Owen stated the Commissioner of Revenue recommends the rate of 39 percent for calendar year 2018. He noted last year's rate was 40 percent.

Mr. Holmes moved that a resolution, as proposed, be adopted, establishing the Personal Property Tax Relief Act (PPTRA) percentage at 39 percent.

The motion was seconded by Ms. Mead and carried unanimously as follows:

Dr. Curren	aye	Ms. Mead	aye
Vice Mayor Kier	aye	Mr. Holmes	aye
Mayor Dull	aye	Dr. Harrington	aye

**RESOLUTION
IMPLEMENTING ORDINANCE 2006-05, CODIFIED AS SECTION 3.10.015 OF THE
STAUNTON CITY CODE,
TO FURTHER IMPLEMENT THE 2004-2005 CHANGES
TO THE PERSONAL PROPERTY TAX RELIEF ACT OF 1998**

WHEREAS, by Ordinance 2006-05, adopted April 13, 2006, and codified as Section 3.10.015 of the Staunton City Code, the Council of the City of Staunton fashioned a local program of tax relief that serves the best interests of the citizenry regarding personal property tax on qualifying use vehicles, pursuant to modifications made by the General Assembly of Virginia to the Personal Property Tax Relief Act of 1998 (PPTRA);

WHEREAS, the City's program of tax relief contemplates the allocation of PPTRA relief provided by the Commonwealth of Virginia pursuant to the provisions of Ordinance 2006-05, codified as Section 3.10.015 of the Staunton City Code, as further implemented by resolution adopted annually after the personal property tax book is certified by the Commissioner of Revenue and delivered to the Treasurer;

WHEREAS, on September 1, 2018, the Commissioner of Revenue will deliver to the Treasurer a certified personal property tax book; and

WHEREAS, the Commissioner of Revenue has recommended to the Council of the City of Staunton, Virginia, that with respect to qualifying vehicles with assessed values of more than \$1,000 the percentage of relief to be applied to the first \$20,000 in value of each such qualifying

vehicle should be 39%, which the Commissioner of Revenue estimates will fully use all available state PPTRA relief.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Staunton, Virginia, that 39% shall be the percentage of relief to be applied to the first \$20,000 in value of each qualifying vehicle with an assessed value of more than \$1,000, pursuant to and in accordance with the provisions of Section 3.10.015 of the Staunton City Code.

Adopted this 23rd day of August, 2018.

Approved: /s/ Carolyn W. Dull
Mayor

Attest: /s/ Suzanne F. Simmons
Suzanne F. Simmons
Clerk of Council

Matters from the City Manager

Mr. Owen stated he had nothing to report.

Matters from the Public

Mr. Louis March, 1623 N. Augusta Street, stated he was there to speak against changing the name of Robert E. Lee High School, and that the taxpayers should be able to decide with a referendum.

Mr. Jeff Overholtzer, 309 Rainbow Drive, stated he wanted to speak in favor of the name change for the high school and felt the name did not represent inclusiveness. He noted the taxpayers had spoken on this matter with the recent school board election.

Fritz Fairfield, 118 Thornrose Avenue, stated she was asking for Council's help in the proposed renaming of the high school. She felt it was not just a school board issue, and that the taxpayers should be able to vote on the name change.

John Hartless, 826 Lammermoor Drive, stated he supported not changing the name of the high school, and it is beyond what the members of the school board should speak to as it would have an impact on the entire city. He noted City Council should request a referendum and allow voters to decide.

There was no one else wishing to speak.

518 **Adjournment**

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520 There being no further business to come before Council, the meeting adjourned at 8:11 p.m.

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Suzanne F. Simmons
Clerk of Council

DRAFT

City Council



AGENDA BRIEFING

Staunton, VA

Meeting Date:	September 13, 2018	Staff Member: Rodney Rhodes Tim Hartless
Item #	A	
Ordinance #		
Department:	Community Development—Planning and Zoning	
Council Vision:	Built Environment	
Subject:	Consideration of Final Plat of Red Oaks, Section 5	

Background: S & H Associates of Staunton, represented by Rupen Shah, has submitted a final plat for Section 5 of Red Oaks Subdivision. If approved, the plat would create five new lots, lots 47 – 51, along the western side of Oak View Drive.

In 2001, City Council approved the preliminary plat for the Red Oaks development. Mr. Shah and the late Robert Haggerty were the owners/developers. The development is located between Frontier Drive and the intersection of Berry and Sterling streets. The preliminary plat was approved with 71 lots. Forty-three of lots have been created previously by recordation of plats approved by City Council. The developers received approval through a Special Use Permit for a Planned Residential Development (PRD). The concept of the approved PRD is a “contained exclusive retirement village,” in which a mixture of housing types is offered for sale. A homeowners’ association has been created as part of the development.

Review: The new lots will be utilized for single-family dwellings. The *Staunton Virginia Comprehensive Plan 2010 – 2030* designates this area as Low Density Residential, so the anticipated use would comply with the *Comprehensive Plan*. The proposed layout meets the requirements of Title 17 “Subdivisions” and Title 18 “Zoning” of the Staunton City Code, and the lot configuration of the final plat is consistent with the layout shown on the preliminary plat. At its meeting on August 13, 2018, the Planning Commission reviewed the final plat and unanimously, on a 5-0 vote, recommended its approval contingent upon payment of facility fees

prior to placement of the matter on City Council's agenda. The facility fees have since been paid.

Attachments:

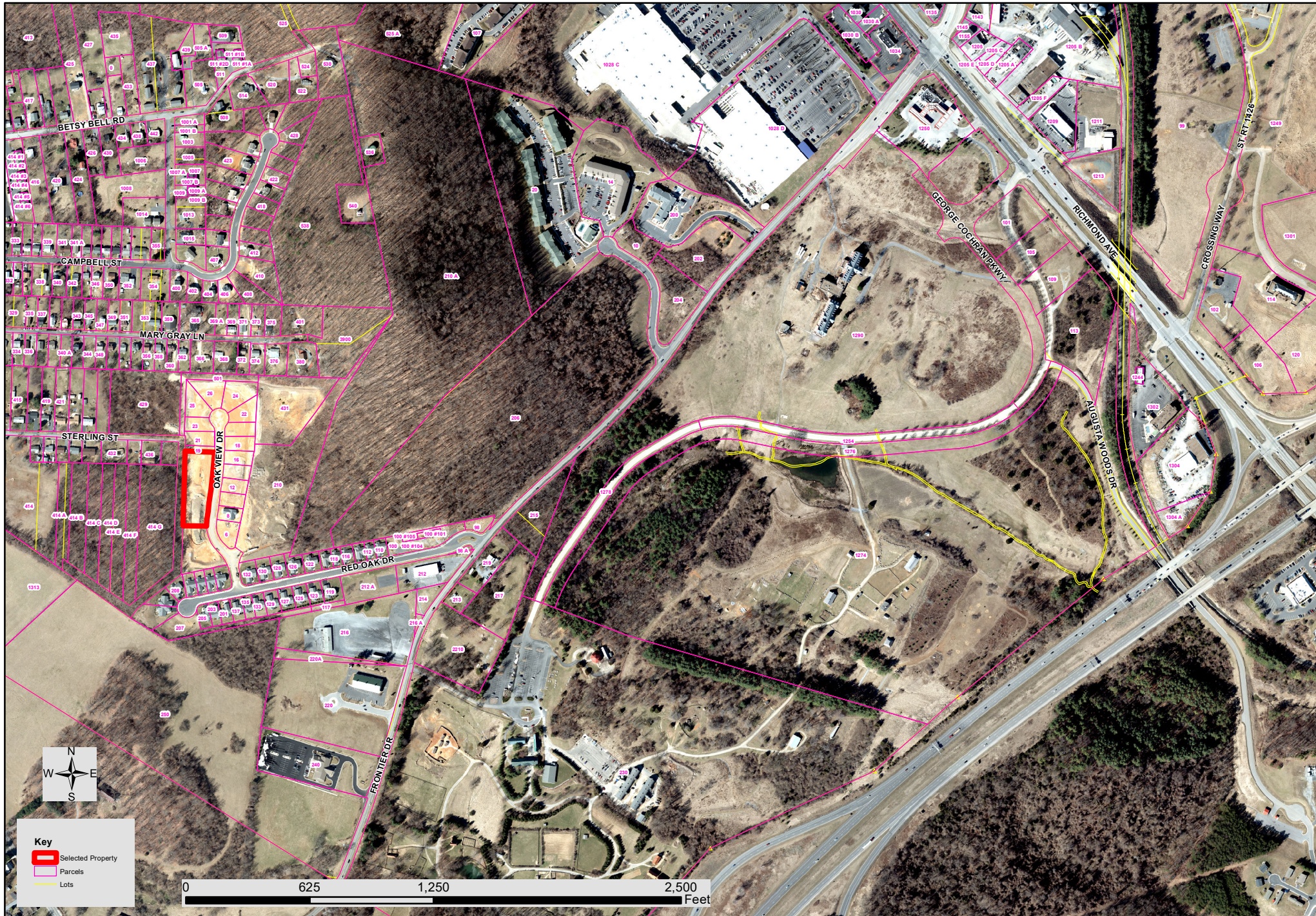
Attachment No. 1—Vicinity Map

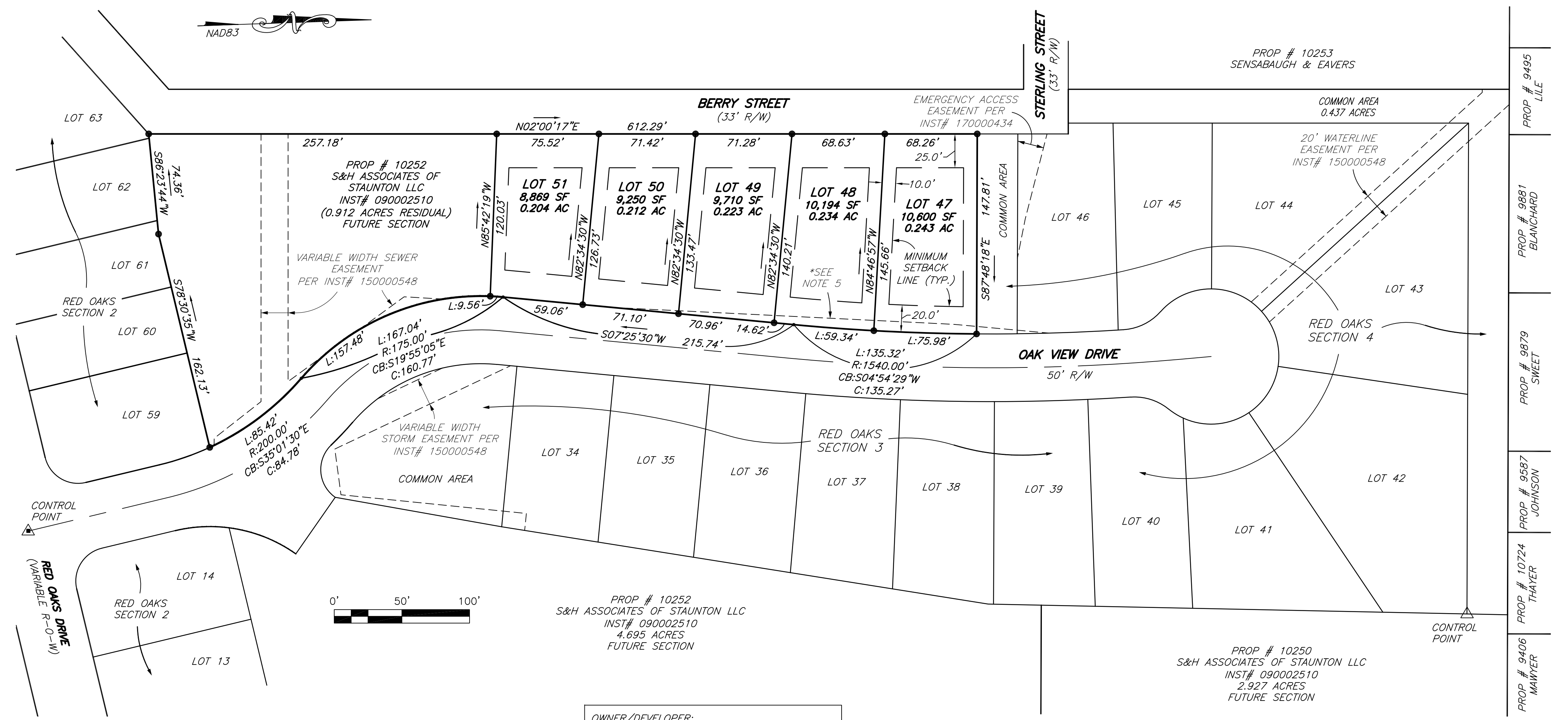
Attachment No. 2—Final Plat of Red Oaks Subdivision, Section 5

Suggested Motion: I move that City Council approve the final plat of Red Oaks Subdivision, Section 5, as recommended by the Planning Commission.

City Manager: Stephen F. Owen

Vicinity Map - Red Oaks Section Five





CERTIFICATE OF APPROVAL

THIS SUBDIVISION KNOWN AS "RED OAKS SECTION 5" IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

APPROVED BY THE CITY OF STAUNTON

PLANNING COMMISSION	DATE
CITY COUNCIL	DATE

*** IF THIS PLAT IS NOT RECORDED WITHIN 6 MONTHS, THE SUBDIVISION APPROVAL IS VOID.

- NOTES:**
- 1) THIS PLAT REPRESENTS A CURRENT FIELD SURVEY.
 - 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION DISCLOSED BY SUCH.
 - 3) PROPERTY IS LOCATED IN FEMA DEFINED ZONE "X" COMMUNITY PANEL NO.:51015C0343D EFFECTIVE DATE: SEPTEMBER 28, 2007
 - 4) A 5' WIDE UTILITY EASEMENT ALONG ALL PROPERTY LINES IS HEREBY DEDICATED FOR PUBLIC USE.
 - 5) SHOWN HEREON IS A VARIABLE WIDTH SEWER EASEMENT PER INST# 150000548.
 - 6) PROPERTY CORNERS ARE IRON PINS SET.

OWNER/DEVELOPER:
S&H ASSOCIATES OF STAUNTON LLC
C/O MR. RUPEN SHAH

EXISTING ZONING: R3 R.U.P.D.

SETBACKS: FRONT = 20'
SIDE = 10'
REAR = 25'

AGENT: BALZER AND ASSOCIATES, INC.
1561 COMMERCE ROAD, SUITE 401
VERONA, VA 24482
(540)248-3220 (TEL)
(540)248-3221 (FAX)

WATER: CITY OF STAUNTON

SEWER: CITY OF STAUNTON

LOT AREA TABULATION: 1.116 ACRES
FOR SECTION 5

OWNER'S CONSENT TO DIVISION

THE PLATING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND "RED OAKS SECTION 5" IS WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

OWNER _____ DATE _____

COMMONWEALTH OF VIRGINIA

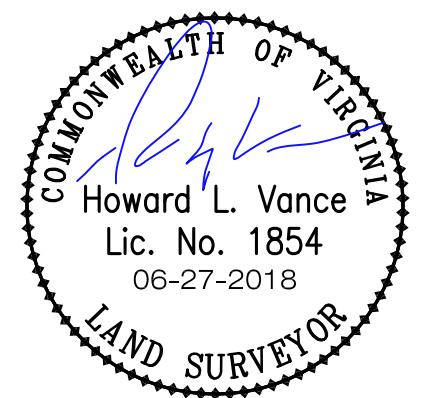
CITY/COUNTY OF _____, TO WIT:

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED

BEFORE ME THIS _____ DAY OF _____, 2018.

BY: _____

NOTARY: _____



SOURCE OF TITLE

I, HOWARD L. VANCE, A LAND SURVEYOR DULY LICENSED BY THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THIS PLAT KNOWN AS "RED OAKS, SECTION 5" IS A PORTION OF THAT CERTAIN TRACT OF LAND LAST CONVEYED TO S & H ASSOCIATES OF STAUNTON LLC, IN INSTRUMENT #090002510 OF RECORD IN THE CLERK'S OFFICE OF THE CITY OF STAUNTON, VIRGINIA.

DATE: 06-27-2018
SCALE: 1"=50'
JOB: S1400011.00
DRAWN BY: TBM

CITY COUNCIL



AGENDA BRIEFING

Staunton, VA

Meeting Date:	September 13, 2018	Staff Member: Steve Owen
Item #	C	
Ordinance #		
Department:	City Manager	
Council Vision:	Responsive, Efficient Government	
Subject:	Resolution Consenting to and Confirming Declaration of Local Emergency	

Background: In anticipation of Hurricane Florence, forecast to affect the City of Staunton in the next few days, the City Manager, in his capacity as Director of Local Emergency Management, is expected to declare a local emergency effective as of 7:30 p.m. on September 13, 2018.

By such a declaration, the City will position itself to undertake measures in response to the storm, separately and in concert with Augusta County and Waynesboro as part of the Local Emergency Planning Committee. Under state law, the City Council must consent to such a declaration.

Council is requested to adopt the attached resolution (to which a copy of the declaration of local emergency will be attached) that recites the circumstances and declaration of the local emergency and consents to and confirms the declaration.

City Manager's Recommendation: Recommend adoption of the resolution, as presented.

Suggested Motion: I move to adopt the resolution consenting to and confirming the declaration of a local emergency beginning September 13, 2018, in the City of Staunton.

City Manager: Stephen F. Owen

Attest: _____
Suzanne F. Simmons, Clerk of Council

**DECLARATION OF LOCAL EMERGENCY
BY THE CITY OF STAUNTON
LOCAL DIRECTOR OF EMERGENCY MANAGEMENT**

WHEREAS, due to Hurricane Florence, the City of Staunton, Virginia is facing dangerous conditions of sufficient scope, severity and magnitude to merit coordinated local government emergency management action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused;

WHEREAS, such conditions necessitate the declaration of the existence of a local emergency, to the fullest extent permitted by law; and

WHEREAS, these recitals are an integral part of this declaration.

NOW, THEREFORE, pursuant to Virginia Code § 44-146.21, subject to and with the contemporaneous consent of the Council of the City of Staunton, Virginia, Stephen F. Owen, City Manager and Emergency Management Director for the City of Staunton, Virginia, declares the existence of a local emergency in the City of Staunton, to the fullest extent permitted by law; and

IT IS FURTHER DECLARED AND ORDERED that, to the fullest extent permitted by law, during the existence of such emergency the powers, functions, and duties of the Local Emergency Management Director and local emergency services planning organization or committee and City staff shall be those prescribed by state law and the ordinances, resolutions, and authorized plans of the City of Staunton in order to mitigate the effects and otherwise address such emergency.

Stephen F. Owen,
City Manager and
Emergency Management Director

Date: _____

Time: _____

Attest: _____
Suzan F. Simmons, Clerk of Council